

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,¹

Debtors.

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF THE COMMONWEALTH OF
PUERTO RICO,

as agent of

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,

Plaintiff,

v.

BETTINA WHYTE,

as agent of

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE PUERTO RICO SALES TAX FINANCING
CORPORATION,

Defendant.

Adv. Proc. No. 17-00257

¹ The Debtors in these jointly-administered PROMESA title III cases, along with each Debtor's respective title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are: (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (Bankruptcy Case No. 17 BK 3284) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric and Power Authority (Bankruptcy Case No. 17 BK 4780) (Last Four Digits of Federal Tax ID: 3747).

**RETIREE COMMITTEE’S DISCOVERY REQUESTS TO THE
FINANCIAL OVERSIGHT & MANAGEMENT BOARD IN
CONNECTION WITH PROPOSED COFINA SETTLEMENT**

The Official Committee of Retired Employees of the Commonwealth of Puerto Rico (the “**Retiree Committee**”), pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure, requests that the Financial Oversight & Management Board for Puerto Rico (the “**Oversight Board**”) respond to these discovery requests and produce the requested documents to: Robert D. Gordon, Jenner & Block LLP, 919 Third Avenue, New York, New York, 10022 on or before December 17, 2018 at 5:00 p.m. EST, in accordance with the Instructions below and in the manner prescribed by the Federal Rules of Civil Procedure and the Federal Rules of Bankruptcy Procedure.

DEFINITIONS

1. “April 19 Fiscal Plan” means the Fiscal Plan certified by the Oversight Board on April 19, 2018.
2. “Commonwealth” means the Commonwealth of Puerto Rico.
3. “Communication(s)” means the oral, written, electronic, or other transmittal of data of information, including but not limited to letters, email, and any other Document conveying information between two or more people.
4. “Document(s)” means papers, writings, or records of any type, source, or authorship in your possession, custody, or control, or of which you have knowledge, wherever located, however produced or reproduced or whether a draft, original, or copy, and whether or not claimed to be privileged or exempt from production for any reason. By way of illustration and not limitation, the term “Document(s)” shall include electronic mail; all forms of written communication and correspondence; memoranda of telephone conversations; summaries, diaries, or other records of personal conversations or interviews; any minutes, summaries, or other records

of any meetings, discussions, or conferences; as well as any other notes, reports, records, data, memoranda, correspondence, notebooks, scrap books, diaries, minutes, summaries, financial statements, ledgers, magnetic tapes or other sounds or video recordings, telefaxes, telegrams, letters, photographs, drawings, plans, studies, manuals, instructions, bids, specifications, advertisements, graphs, sketches, blueprints, charts, curves, motion picture films, microfilms, computer records, photographic negatives, photocopies, photostats, descriptions, purchase orders, agreements, contracts, invoices, bills of lading, published or unpublished speeches, manuscripts or articles, transcripts, affidavits, depositions, printed matter, publications, and any other retrievable information, however recorded, memorialized, or preserved.

5. “June 29 Fiscal Plan” means the Fiscal Plan certified by the Oversight Board on June 29, 2018.

6. “May 30 Fiscal Plan” means the Fiscal Plan certified by the Oversight Board on May 30, 2018.

7. “October 23 Fiscal Plan” means the Fiscal Plan certified by the Oversight Board on October 23, 2018.

8. “Proposed Settlement” means the settlement proposed in the *Commonwealth of Puerto Rico’s Motion Pursuant to Bankruptcy Rule 9019 for Order Approving Settlement Between Commonwealth of Puerto Rico and Puerto Rico Sales Tax Financing Corporation* [Dkt. 4067].

9. “Relating to” means concerning, pertaining to, referring to, deriving from, resulting from, or otherwise having any connection with a given person, thing, or matter.

INSTRUCTIONS

1. References to the singular shall include the plural, and references to the plural shall include the singular.

2. The Documents covered by this request include all Documents in your possession, custody or control, or any Documents that were generated or received by you or otherwise came into existence or were utilized by you through the date of production, wherever located, including, without limitation, those in the custody of your current and former representatives, agents, professionals and affiliates.

3. A request for a Document shall be deemed to include a request for all drafts, versions, successive iterations, non-identical copies thereof and all modifications thereto, in addition to the Document itself.

4. If any part of the following requests cannot be responded to in full, please respond to the extent possible, specifying the reason(s) for your inability to respond to the remainder and stating whatever information or knowledge you have concerning the portion to which you do not respond.

5. If there are no Documents responsive to any particular request, please so state in writing.

6. With respect to each Document withheld from production on the ground of privilege or any similar claim, identify its author(s), recipient(s), addressee(s), date, subject matter, number of pages, attachments or appendices, present custodian, and grounds for each claim of privilege.

7. If any requested Document or other Document potentially relevant to this action is subject to destruction under any Document retention or destruction program, the Document(s) should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or unless otherwise permitted by the Court.

8. If any of the Documents requested herein were, but no longer are, in your possession, custody, or control, state what disposition was made of such Documents, why, and include the date and place of disposition and the person(s) who disposed of the Document(s).

9. The Documents shall be produced in the order and form in which they have been maintained and the response hereto shall identify the individual from whose file(s), and indicate in response to which request, the Document has been produced.

10. These requests are continuing in nature so as to require production of any and all Documents which may be in your possession, custody, or control. To the extent that your production or responses may be supplemented or otherwise modified by Documents or information acquired by you subsequent to your production and responses hereto, you are promptly to produce and serve appropriate supplemental Documents or answers.

REQUESTS FOR PRODUCTION

1. All drafts of agreements and/or term sheets relating to the Proposed Settlement.
2. All Documents and Communications relating to whether the amount of any newly issued bonds under the Proposed Settlement should or should not be included for purposes of calculating the Commonwealth's debt limitation under Article VI, Section 2 of the Puerto Rico Constitution.
3. All Documents relied upon by the Oversight Board in recommending the structural reforms identified in the April 19 Fiscal Plan and subsequent adjustments in the May 30 Fiscal Plan and the October 23 Fiscal Plan, including, without limitation, any documents explaining or evidencing the basis, rationale and methodology for the scoring of the structural reforms' impact. (See April 19 Fiscal Plan, pp. 13-14; May 30 Fiscal Plan, pp. 13-14; October 23 Fiscal Plan, p. 20.)

4. All Documents relating to the change in the methodology used to determine the timing of the unwinding of the impact of the recommended fiscal measures on the Commonwealth's GNP since the May 30 Fiscal Plan. (*See* May 30 Fiscal Plan, p. 13; June 29 Fiscal Plan, p. 13; October 23 Fiscal Plan, p. 20.)

5. All Documents supporting or evidencing the pass-through rate for each category of spending and rollout cadence for Fiscal Year 2018 through Fiscal Year 2032 in the October 23 Fiscal Plan. (*See* October 23 Fiscal Plan, pp. 18-19.)

6. All Documents relied upon by the Oversight Board in connection with the assumption that the disaster relief spending related to programs and services “does not contribute to the capital stock on the Island” in the October 23 Fiscal Plan. (*See* October 23 Fiscal Plan, p. 19.)

7. All Documents relied upon by the Oversight Board in forecasting real GNP growth from baseline GNP curve and adjustments, including without limitation, documents explaining or evidencing the basis and rationale for the modeling methodology utilized in the October 23 Fiscal Plan. (*See* October 23 Fiscal Plan, pp. 15-16.)

8. All Documents relied upon by the Oversight Board in connection with the healthcare inflation assumptions contained in the May 30 Fiscal Plan, June 29 Fiscal Plan, and October 23 Fiscal Plan, including, without limitation, documents supporting or explaining why the forecasted per-member-per-month cost growth rates for Medicaid expenses have been consistently decreasing after the May 30 Fiscal Plan. (*See* May 30 Fiscal Plan, pp. 22, 26; June 29 Fiscal Plan, pp. 22, 26; October 23 Fiscal Plan, pp. 28, 31.)

9. Any and all sensitivity analyses and/or risk assessments created and/or relied upon by the Oversight Board and its advisors in connection with the October 23 Fiscal Plan relating to

the failure by the Commonwealth to implement both revenue and expense measures as recommended by the Oversight Board.

INTERROGATORIES

1. Identify and explain the basis, rationale and methodology for the scoring of the structural reforms' impact in connection with the structural reforms contained in the April 19 Fiscal Plan and subsequent adjustments in the May 30 Fiscal Plan and the October 23 Fiscal Plan. (*See* April 19 Fiscal Plan, pp. 13-14; May 30 Fiscal Plan, pp. 13-14; October 23 Fiscal Plan, p. 20.)

2. Identify and explain why the methodology used to determine the timing of the unwinding of the impact of the recommended fiscal measures on the Commonwealth's GNP has changed since the May 30 Fiscal Plan. (*See* May 30 Fiscal Plan, p. 13; June 29 Fiscal Plan, p. 13; October 23 Fiscal Plan, p. 20.)

3. Identify and explain the basis and rationale for the pass-through rate for each category of spending and rollout cadence for Fiscal Year 2018 through Fiscal Year 2032 in the October 23 Fiscal Plan. (*See* October 23 Fiscal Plan, pp. 18-19.)

4. Identify and explain the rationale underlying the Oversight Board's assumption that the disaster relief spending related to programs and services "does not contribute to the capital stock on the Island" in the October 23 Fiscal Plan. (*See* October 23 Fiscal Plan, p. 19.)

5. Identify and explain the basis and rationale for the modeling methodology utilized to forecast real GNP growth from the baseline GNP curve and adjustments, including, without limitation, and explanation of the fiscal multiplier, fiscal policy as a percentage of GNP, and net spending at a percentage of GNP in the October 23 Fiscal Plan. (*See* October 23 Fiscal Plan, pp. 15-16.)

6. Identify and explain the healthcare assumptions contained in the May 30, Fiscal Plan, June 29 Fiscal Plan, and October 23 Fiscal Plan, including, without limitation, an explanation of why the forecasted per-member-per-month cost growth rates for Medicaid expenses have been consistently decreasing after the May 30 Fiscal Plan. (*See* May 30 Fiscal Plan, pp. 22, 26; June 29 Fiscal Plan, pp. 22, 26; October 23 Fiscal Plan, pp. 28, 31.)

7. Identify and explain the short-term and long-term risks related to or embedded in the October 23 Fiscal Plan associated with the failure of the Commonwealth to implement both revenue and expense measures recommended by the Oversight Board.

November 16, 2018

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